

RANKING MEMBER
COMMITTEE ON
FOREIGN AFFAIRS

COMMITTEE ON
ENERGY AND COMMERCE

HEALTH SUBCOMMITTEE
ENERGY AND POWER SUBCOMMITTEE

ASSISTANT DEMOCRATIC WHIP

WEBSITE: <http://engel.house.gov>

FACEBOOK:
<http://www.facebook.com/RepEliotEngel>

TWITTER: @RepEliotEngel



Congress of the United States

House of Representatives

Eliot L. Engel

16th District, New York

2462 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3216
(202) 225-2464

DISTRICT OFFICES:
3655 JOHNSON AVENUE
BRONX, NY 10463
(718) 796-9700

6 GRAMATAN AVENUE
SUITE 205
MOUNT VERNON, NY 10550
(914) 699-4100

177 DREISER LOOP
ROOM 3
BRONX, NY 10475
(718) 320-2314

December 12, 2018

923

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Wireless Messaging Service Declaratory Ruling
WT Docket No. 08-7

Dear Chairman Pai:

I write regarding the Federal Communication Commission's (FCC) proposed Declaratory Ruling that would classify text messaging as an information service under Title I of the federal Communications Act.

The stated purpose of this ruling is to protect consumers from spam or robotexts, but critics argue that the ruling gives no additional protections to consumers and instead increases their vulnerability to political censorship and risks widespread exposure of private information from personal communications.

I encourage you to withdraw the proposed Ruling and open this matter for public comment to better identify potential consequences and ensure collection of the most accurate, useful, and current information possible to help shape this decision.

Sincerely,

Eliot L. Engel
Member of Congress



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 31, 2018

The Honorable Eliot L. Engel
U.S. House of Representatives
2462 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Engel:

I write in response to your letter regarding the Commission's December 12, 2018 Declaratory Ruling that classified text messaging as an information service under Title I of the Communications Act. The Commission's decision makes clear that wireless providers are authorized to continue their efforts to stop unwanted text messaging through robocall-blocking, anti-spoofing measures, and other anti-spam features, as it relates to Short Message Service (SMS) and Multimedia Messaging Service (MMS).

Text messaging has become a critical communications option for American consumers, with 1.77 trillion messages exchanged in 2017. Wireless messaging has become a trusted form of communication for millions of Americans in large part because wireless providers have taken measures to prevent spam and other unwanted or malicious traffic from clogging consumers' phones.

The Commission's decision to classify SMS and MMS as information services is correct as a legal matter, as outlined in the Declaratory Ruling's painstaking analysis of the statutory terms and the nature of text messaging. It is also sound policy. The FCC shouldn't make it easier for spammers and scammers to bombard consumers with unwanted texts. And we shouldn't allow unwanted messages to plague wireless messaging services in the same way that unwanted robocalls flood voice services. But that's precisely what would have happened if we would have classified text messaging services as telecommunications services and subjected them to common-carrier regulation under Title II, as mass-texting companies and others petitioned us to do.

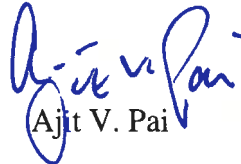
Notably, our approach was also consistent with the views expressed by a spectacularly broad range of entities, including a bipartisan group of 20 state attorneys general, the National Organization of Black Elected Legislative Women, the National Organization of Black County Officials, the National Black Caucus of State Legislators, NENA: The 9-1-1 Association, and the National Association of Neighborhoods. (Even one of the *petitioners* didn't take issue with our decision on the merits; it just suggested changes to the Commission's description of its services before the Commission's vote, but made clear that these changes "do not affect the analysis or

Page 2—The Honorable Eliot L. Engel

conclusion reflected in the draft order.”¹) For these reasons, we adopted a pro-consumer approach and classified SMS and MMS as information services.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,



Ajit V. Pai

¹ Letter from Rebecca Murphy Thompson, Head, Communications Policy, Twilio Inc., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 08-7, at 1 (filed Dec. 6, 2018), [https://ecfsapi.fcc.gov/file/1206212915792/2018-12-06%20Twilio%20Ex%20Parte%20\(WT%2008-7\)%20.pdf](https://ecfsapi.fcc.gov/file/1206212915792/2018-12-06%20Twilio%20Ex%20Parte%20(WT%2008-7)%20.pdf).